

1 JUDGE SIPPEL: Well, I didn't hear it that way.

2 MR. BECKNER: No, that's fine.

3 JUDGE SIPPEL: Do you understand the question,
4 Ms. Richter?

5 THE WITNESS: I do. And, you know, it's possible
6 that at the time I knew or didn't know what I thought
7 Behrooz was understanding. But to ask me now four or five
8 years later is just impossible. I don't know today. At the
9 time I probably did and I believe Behrooz and I were
10 understanding each other. But I couldn't tell you today.

11 JUDGE SIPPEL: Well, let me ask the question this
12 way. In order for you to do your job in the context of this
13 document that you're talking about, wasn't it necessary that
14 Mr. Nourain understood and you were on the same wavelength
15 in terms of what this data meant?

16 THE WITNESS: Yes.

17 JUDGE SIPPEL: And if that wasn't the case, then
18 your efforts would be absolutely fruitless.

19 THE WITNESS: That's right. That's correct.

20 JUDGE SIPPEL: All right. Does that get you to
21 where you wanted to get?

22 MR. BECKNER: Yes, it does.

23 JUDGE SIPPEL: Can we move to something else then?

24 MR. BECKNER: Certainly. I'm just checking my
25 notes on this document, Your Honor, to make sure there's

1 nothing else.

2 BY MR. BECKNER:

3 Q In the March to April, 1993 time period, did you
4 have a sense based on your conversations as to what
5 Mr. Nourain understood about the workings of the FCC
6 licensing process and the limitations that were put on his
7 operations?

8 A When you ask me about a specific time period,
9 that's difficult. In my relationship, my working
10 relationship with Behrooz in the beginning of that
11 relationship, and I don't know what timeframe we're talking
12 about, it was clear to me that he did not have a full grasp
13 on the rules and regulations as they related to 18 gigahertz
14 frequencies and that part of my job was an educational
15 function and to try to continue to explain as much as I
16 thought he needed it what the rules required.

17 Q Can you tell us specifically what it was that
18 Mr. Nourain as far as you could tell did not understand or
19 had more?

20 A No, I couldn't tell you specifically. What I do
21 recall is that Mr. Nourain explained to me, maybe in one of
22 our first conversations that he had worked with other
23 frequencies in the past, some other services that had
24 different rules. And he was trying to understand the rules
25 as they related to the 18 gigahertz frequencies generally,

1 but I couldn't tell you specifically what he didn't
2 understand or what he was confused about.

3 Q Did he tell you that he was confused or didn't
4 understand certain aspects of the rules? Or was this a
5 conclusion that you reached on your own?

6 A No, he specifically told me he was coming from a
7 different service and didn't know these rules and was
8 relying on me to explain what they were.

9 Q Now, when you had a conversation about how the
10 rules work with Mr. Nourain, did you sometimes record that
11 on your timesheets?

12 A I may have.

13 Q I'd like you to turn to Tab 10 which would be
14 TW/CV Exhibit 61 marked for identification. Do you have
15 that in front of you?

16 (Document above referred to
17 was marked for identification
18 as TW/CV Exhibit 61.)

19 A I do.

20 Q Okay. First, just can you tell us what --
21 identify for us what this document is?

22 A It is a billing statement form Pepper & Corazzini
23 to Liberty Cable, dated May 19, 1993.

24 Q As far as you know, was this statement prepared in
25 the same manner as the previous billing statement that you

1 looked at a few minutes ago?

2 A Yes.

3 Q And the time entries here that have your initials
4 next to them, are those transcriptions of time entries that
5 you made on the dates indicated?

6 A Yes.

7 MR. BECKNER: Okay. Your Honor, I'd like to move
8 this Exhibit 61 into evidence.

9 JUDGE SIPPEL: Any objections?

10 MR. SPITZER: No objection, Your Honor.

11 JUDGE SIPPEL: Okay. Exhibit 61 for
12 identification is now received into evidence as number 61.

13 (Document previously marked
14 for identification as TW/CV
15 Exhibit 61 was received in
16 evidence.)

17 BY MR. BECKNER:

18 Q I'd like to ask you about the entry for April 2nd
19 which appears to reflect a phone call from Mr. Nourain, re
20 construction and operation of paths that have not been
21 granted in future modifications. Do you recall anything in
22 the substance of that phone call?

23 A I couldn't tell you specifically about this phone
24 call. I think the question was raised how could you
25 construct and operate a path if it hasn't yet been licensed.

1 And that discussion was prompted by very long FCC processing
2 time that was taking place. It was, and again I can't
3 recall specifically from this time period, but generally the
4 processing time was taking well in excess of the 90 to 120
5 days. Applications were pending for a very long period of
6 time and Liberty needed to get going with its business. And
7 the question was how can we do that? How can we construct
8 and operate a path that has not yet been licensed?

9 Q Did you tell, well, did you tell Mr. Nourain that
10 he could go ahead and construct a facility before it had
11 been licensed, it was licensed?

12 A I don't recall specifically telling him that, but
13 I believe that's the case, that you could construct a
14 facility, but you could not actually operate it before it
15 was licensed.

16 Q Now, you mentioned earlier in response to my
17 questions about Mr. Nourain's understanding of the
18 Commission's rules and how they work that it appeared to you
19 that he was looking to you for an explanation of how OFS
20 microwave rules work as distinguished from other kinds of
21 microwave that he had done prior to this employment at
22 Liberty, is that correct?

23 A Yes, he had worked with other frequencies. I
24 don't know. I suppose they were microwave.

25 Q Did that, did those discussions with him happen at

1 the beginning of the time that you were working with him?

2 That would have been in 1992? Or did they happen later?

3 A The conversation would have begun as soon as my
4 work with him began. As I indicated, I think it was one of
5 our very first conversations, he indicated he was coming
6 from a difference service and wasn't sure that he understood
7 these rules and that's where the education process began.
8 But I think as a lawyer you're always educating your client
9 and making sure they understand the rules and what they're
10 dealing with.

11 Q When did you think that education process had been
12 completed? If ever.

13 A Are you getting to an exhibit?

14 Q No, I'm asking you the question.

15 A I don't think that it's ever really complete. I
16 think you continue to educate your client about the rules
17 and regulations and try and make sure they're complying with
18 them.

19 Q Let's go back to continue looking at TW/CV 61.
20 That's the bill for the April, '93 period. There's an entry
21 on the 13th of April, phone call Behrooz, construction on
22 unauthorized stations. Can you tell us anything about the
23 call that's reflected in this time entry?

24 A No, I couldn't tell you anything specifically
25 about that call that's different than what I've already

1 indicated.

2 Q Now, on the 20th, there's a Time entry here,
3 letter to Bruce re: construction and operation. Was that
4 letter covering the same subjects that you had orally
5 discussed with Mr. Nourain in the previous Time entries
6 we've looked at?

7 A It may have been.

8 MR. BECKNER: Okay. I'd like you to -- Your
9 Honor, this I thought -- do we have the books from the
10 previous hearing sessions?

11 JUDGE SIPPEL: Well, I have my set. The exhibits?

12 MR. BECKNER: Yes, do we have the witness set?
13 There was a witness book too.

14 JUDGE SIPPEL: Well, that's out of my purview, but
15 she certainly can look at what I have.

16 MR. BECKNER: Okay.

17 JUDGE SIPPEL: Do you have a number?

18 MR. BECKNER: TW/CV 51.

19 JUDGE SIPPEL: 51.

20 MR. BECKNER: Yes.

21 JUDGE SIPPEL: 51 in the book, that's the letter.

22 MR. BECKNER: Yes.

23 JUDGE SIPPEL: Okay. This is my set of the
24 exhibits from the last session or the last time that we
25 moved in some evidence. Actually, it was after the hearing

1 was closed. But my 51 has two versions of an April 20, 1992
2 letter. Is that your exhibit?

3 MR. BECKNER: Yes, Your Honor.

4 JUDGE SIPPEL: Is that what you want me to show?

5 MR. BECKNER: Yes, it is.

6 JUDGE SIPPEL: All right. There you go,
7 Ms. Richter.

8 BY MR. BECKNER:

9 Q Ms. Richter, I'd like you to take a look at the
10 second version of the letter which doesn't have the margins
11 chopped off and doesn't have the handwriting on the first
12 page. And the question I want to ask you is does this
13 appear to you to be the letter reflected in the April 20th
14 Time entry that I just asked you about a minute ago on the
15 bill?

16 A Yes.

17 Q Okay. And this is, this is a copy of a letter
18 that you sent, you wrote and sent on or about April 20th,
19 1993.

20 A That appears to be the case.

21 Q And those are your initials at the bottom of the
22 second page?

23 A Yes.

24 Q All right. In the first paragraph of the letter,
25 there's a sentence, some things were revealed during these

1 conversations that gave both Behrooz and I pause. Can you
2 tell us what those things were?

3 A No.

4 Q Did Behrooz reveal to you some misunderstood about
5 the Commission's rules with respect to licensing and
6 operation of microwave facilities that gave you pause?

7 A Did he indicate a misunderstanding?

8 Q Yes.

9 A Obviously, something gave me pause. It could have
10 been at this time what appeared to be a misunderstanding of
11 the rules and I think I told you generally that was my
12 impression that there was some confusion about the rules and
13 I was continuing to educate Behrooz about what could be done
14 and what could not be done.

15 Q The conversations mentioned in the letter, is that
16 intended to refer to the conversations that took place
17 earlier in the month of April, 1993 which are reflected in
18 your time entries?

19 A That seems reasonable.

20 Q Okay. Did Mr. Nourain appear to you to have a
21 belief about the Commission's rules that if he acted on that
22 belief would have led him to violate those rules?

23 A I was concerned that some confusion about the
24 rules could lead them to turn on facilities that had not yet
25 been authorized.

1 Q Now, in the conversations reported in your
2 timesheets, you talk about construction of unauthorized
3 facilities. That's one of the subjects indicated. If you
4 want to get back at Tab 10.

5 A I see it.

6 Q Okay. Now, there was no FCC rule at the time that
7 prohibited construction of a station before it was licensed
8 was there?

9 A No, I believe my letter says here that you could
10 construct it, but you could not turn it on until it had been
11 properly authorized.

12 Q Okay. So was it that Mr. Nourain was misinformed
13 about the circumstances under which he could turn on a
14 station?

15 MR. SPITZER: Objection.

16 JUDGE SIPPEL: Sustained.

17 MR. BECKNER: Was the --

18 JUDGE SIPPEL: You can ask about what she knew his
19 knowledge was or his frame of mind or anything that he
20 indicated to her that would give her cause for concern, but
21 she, the question as you had phrased it, the answer could be
22 misinterpreted any number of ways.

23 MR. BECKNER: Okay. No, I withdraw the question,
24 Your Honor.

25 //

1 BY MR. BECKNER:

2 Q Ms. Richter, was one of the things that was
3 revealed in conversations between you and Mr. Nourain that
4 gave you pause a mistaken belief by Mr. Nourain about the
5 circumstances under which he would be able to turn on a
6 microwave facility?

7 A Yeah, I think I've testified that there was a
8 general confusion and my concern was that that confusion
9 could lead them to turn facilities on before they were
10 authorized and that's all I really recall.

11 JUDGE SIPPEL: Let me just follow up on that
12 because you've twice used this term concern. Was that, now
13 at this point you're an associate of the law firm that's
14 representing a company that is engaged in microwave service.

15 THE WITNESS: Right.

16 JUDGE SIPPEL: So it's a pretty big client.

17 THE WITNESS: Right.

18 JUDGE SIPPEL: If you -- you've twice used the
19 word that you were concerned that there might be an
20 inadvertent activation. Did you express this concern to
21 anybody else in the firm or in the company?

22 THE WITNESS: Other than this letter, I don't
23 recall discussing it or writing about it. And let me
24 clarify. My concern was not that there had been an
25 inadvertent activation. My concern was that there could be.

1 JUDGE SIPPEL: I understand. I understand your
2 answer very clearly. But what I'm trying to probe your
3 recollection as to whether or not that concern reached a
4 level where you might have gone in and said to
5 Mr. Corazzini, Mr. Barr or somebody superior to Mr. Nourain,
6 I've got a concern here. I want you folks to know about it.

7 THE WITNESS: Other than this letter?

8 JUDGE SIPPEL: Yes, ma'am.

9 THE WITNESS: No, I don't recall doing that other
10 than this letter. I guess I thought the letter spoke for
11 itself.

12 JUDGE SIPPEL: No, that question didn't mean to be
13 critical of the letter at all, but I'm trying to again see
14 if you've twice used this word concerned and that just
15 raises a question in my mind. You may be covering this as
16 you go along, but I wanted since I'm asking these questions
17 now, all of this letter is focused or it's couched in terms
18 of the dear Bruce letter, meaning Mr. McKinnon. Yet, it
19 seems to be clear to me from everything that you've
20 testified to today that you were really communicating to
21 Mr. Nourain, is that correct?

22 THE WITNESS: Yes. Most of my contacts,
23 practically all of them were with Behrooz.

24 JUDGE SIPPEL: And was Behrooz at, this is
25 addressed to Mr. McKinnon at 30 Rockefeller Plaza. Was

1 Mr. Nourain's office at 30 Rockefeller Plaza or someplace
2 else at that time?

3 THE WITNESS: I think it was 30 Rockefeller Plaza.

4 JUDGE SIPPEL: It was there also.

5 THE WITNESS: I think so.

6 JUDGE SIPPEL: And did you at any time get a
7 response to this letter, either by way of phone call or a
8 phone call to somebody else in your firm from either
9 Mr. McKinnon or Mr. Price?

10 THE WITNESS: I didn't recall it before my
11 deposition, but in my deposition they showed me a telephone
12 entry where it appears that I spoke with Mr. Price.

13 JUDGE SIPPEL: Because this is the kind of letter,
14 it seems to me, if it got up to that letter, Mr. Price's
15 level, might raise some concerns. You're nodding yes.

16 THE WITNESS: Yes, I was hoping that I would
17 concern somebody.

18 JUDGE SIPPEL: So you wanted to get a reaction
19 from this.

20 THE WITNESS: Yes.

21 JUDGE SIPPEL: And what reactions did you get?

22 THE WITNESS: I think that after this letter was
23 written, Liberty made the decision that we would be --

24 JUDGE SIPPEL: I'm not saying -- I'm sorry to
25 interrupt you.

1 THE WITNESS: Oh, I'm sorry.

2 JUDGE SIPPEL: But based on your recollection,
3 what reaction did you get from this letter, either you or
4 your firm?

5 THE WITNESS: That given the lag in processing
6 time at the FCC, Liberty wished to then proceed with getting
7 special temporary authority to operate paths so that they
8 could turn things on more quickly.

9 JUDGE SIPPEL: Well, was there -- that's a concern
10 with respect to delay.

11 THE WITNESS: Right.

12 JUDGE SIPPEL: What's the concern with respect to
13 time? Was there any concern that came back to you, either
14 directly or indirectly, from people other than Mr. Nourain
15 about the concern for an inadvertent activation?

16 THE WITNESS: No. All right. I don't want to
17 undercut anything further. I don't think I am. But you go
18 ahead and succeed with your line of questioning,
19 Mr. Beckner.

20 BY MR. BECKNER:

21 Q Ms. Richter, I want to return to the letter a
22 moment. I know that you've told us that you can't remember
23 anything in detail about what it was that Mr. Nourain said
24 specifically in the conversations that gave the two of you
25 pause. I want to just ask a couple more specific things to

1 see if it jogs your recollection about what it was that
2 Mr. Nourain said. Did Mr. Nourain indicate to you during
3 these conversations, for example, that with respect to a
4 station which was already licensed but for which a
5 modification application had been filed, remember we were
6 talking about those a few minutes ago, that he would be able
7 to operate that station as modified before the modification
8 was approved?

9 A I don't recall any conversation about that.

10 Q Okay. That wasn't something that you remember
11 talking about?

12 A No, I could have or I could not have. I just
13 don't know at this time.

14 Q And did Mr. Nourain indicate any kind of belief in
15 the conversation that he had with you that the filing of an
16 application itself for a microwave path would allow him to
17 activate that path before the application had been approved?

18 A I don't recall that.

19 Q But all that you can recall is that he said
20 something which produced in your mind an apprehension that
21 Mr. Nourain might if he acted on the belief he expressed to
22 you operate a station in an unauthorized manner, is that
23 correct?

24 A It was my concern that confusion could lead to
25 activation of an unauthorized path.

1 Q Okay. Now, did the letter tell, well, strike
2 that. You had sent a copy of the letter to Mr. Nourain,
3 correct?

4 A There's a cc notation on the second page.

5 Q Yes. Did the letter have anything more in it than
6 what you had already discussed with Mr. Nourain orally
7 previously?

8 MR. SPITZER: Objection. I'm not sure I
9 understand that question, Your Honor.

10 JUDGE SIPPEL: Do you understand the question?

11 THE WITNESS: I think I understand the question,
12 but I don't recall discussing with Behrooz anything in this
13 letter -- no. I don't recall discussing with him or not
14 discussing with him the contents of this letter.

15 JUDGE SIPPEL: Is that your question?

16 BY MR. BECKNER:

17 Q Well, my question was does the letter tell
18 Mr. Nourain anything that you hadn't already told him
19 orally?

20 A I don't know.

21 Q Based on the course of dealing that you had
22 established with Mr. Nourain, do you think it likely that
23 this letter would contain any information that you hadn't
24 already told him orally?

25 MR. SPITZER: I'll object to this --

1 JUDGE SIPPEL: Yes, I'll sustain that objection.

2 BY MR. BECKNER:

3 Q As a general matter, Ms. Richter, did you give
4 information to Mr. Nourain orally on the telephone or did
5 you do it by letter in your regular dealings with him?

6 A They were both.

7 Q So there were some things that you told them that
8 you gave information, you gave him by letter that you didn't
9 give him over the telephone, is that correct?

10 JUDGE SIPPEL: I don't want to interject here, but
11 you're doing it -- you're getting the information that I
12 think is important to get from this letter, but my goodness.
13 As I read this letter, she told him what he needed to know
14 by this letter. And the question is what were the other
15 people doing with this letter and how were they reacting to
16 it. This letter told him right on target what to do and
17 what not to do.

18 MR. BECKNER: Okay. Bear with me a second.

19 JUDGE SIPPEL: This witness has been on the stand
20 for over an hour now. Why don't we take a ten minute
21 recess?

22 MR. BECKNER: Okay. That's fine, Your Honor.

23 JUDGE SIPPEL: We'll come back at, well, we'll
24 come back at 11:30 by the clock.

25 (Whereupon, a brief recess was taken.)

1 JUDGE SIPPEL: We'll go on the record.

2 Mr. Beckner.

3 MR. BECKNER: Thank you, Your Honor.

4 BY MR. BECKNER:

5 Q Ms. Richter, I think we already established
6 earlier your recollection and your deposition taken in this
7 case, earlier this month in Colorado. And I'd like you just
8 to refer to your testimony on page 87 of the deposition
9 transcript and that's at Tab 4 in the notebook. And this
10 transcript is a condensed transcript so that there are
11 several pages that quote real transcripts on one piece of
12 paper. The page I'm referring to is the top left corner.

13 JUDGE SIPPEL: It's called condensed, but it's a
14 complete transcript.

15 MR. BECKNER: Yes. The condensation is not in the
16 content, but simply in the white space, less white space on
17 this.

18 BY MR. BECKNER:

19 Q Do you have that page in front of you,
20 Ms. Richter?

21 A Page 87?

22 Q Yes, ma'am.

23 A I do.

24 Q Okay. There's a question here. I'm just going to
25 read it at line ten. And then so the letter really, would

1 it be fair to say the letter repeats the explanation you'd
2 already given Mr. Nourain orally? Answer: It does. All
3 the other points that I was trying to get across was that
4 there really needed to be planning, doing a better job of
5 planning. If they were feeling time pressure about getting
6 a facility turned on, they needed to do a better job of
7 planning. And I was trying to get across what the time
8 periods were, how much lead time they should plan for
9 themselves before needing to put something in operation. So
10 that was the other purpose of the letter.

11 Now, Ms. Richter, you've not had a chance to
12 review this transcript I know. And I simply want to ask you
13 whether or not as you sit here today you believe that the
14 letter does or does not repeat what you had already told
15 Mr. Nourain orally in telephone conversations.

16 MR. SPITZER: I think that's been asked and
17 answered.

18 JUDGE SIPPEL: Well, in the context of the
19 deposition, I'll permit the question. I've indicated what
20 my focus is, but go ahead. I'll overrule the objection.

21 THE WITNESS: It appears that in the deposition, I
22 indicated that the letter did reflect conversations that I
23 had with Behrooz.

24 BY MR. BECKNER:

25 Q Yes, that's fine. And I simply want to know now,

1 it's not uncommon for folks to have different recollections
2 about things. And I want to know now if you can tell us are
3 you going to go with your recollection as you gave in the
4 deposition or the one that you gave here before I asked you
5 about the deposition this morning?

6 A Does it really matter? I don't mean to be
7 contrary. I just -- and I don't want to start making stuff
8 up either. This was a long time ago and I believe Behrooz
9 and I had conversations that reflected some of these things
10 in the letter and I don't recall any of them specifically.

11 Q Okay, fine.

12 JUDGE SIPPEL: Then I'd like to ask the question,
13 the deposition transcript that he's referring to is accurate
14 to the best of your recollection.

15 THE WITNESS: I would say yes except that I
16 haven't had a chance to review it. I specifically did not
17 waive my signature. I never got a copy of it.

18 JUDGE SIPPEL: Well, let's direct it to the
19 portion that you asked her about and that would give her a
20 chance to read it.

21 MR. BECKNER: Sure.

22 JUDGE SIPPEL: And I just want to know is it
23 accurate.

24 MR. BECKNER: I would say that it's accurate.

25 //

1 BY MR. BECKNER:

2 Q Was one of the reasons that you sent the
3 April 20th letter that you thought that someone senior to
4 Mr. Nourain in the company should be aware of the matters
5 that are set out in the letter?

6 A Well, the letter is addressed to Mr. McKinnon who
7 is a senior person to Behrooz.

8 Q Okay.

9 A The answer is yes.

10 Q Okay. Good. Were you trying to cover yourself or
11 your law firm in the event that it turned out that
12 Mr. Nourain had activated unlicensed facilities.

13 A Well, I think that's a byproduct of the letter. I
14 don't know that I was concerned at the time about covering
15 the firm. I was concerned about serving the client and
16 making sure that they understood what they were doing and
17 making sure that they didn't do anything illegal. And then
18 I think a byproduct of that is protecting the firm. That
19 was my job.

20 Q Okay. And the reason that I asked the question,
21 and this goes back to the question several questions ago
22 where you asked me why am I asking the question. You'd
23 already told this information to Mr. Nourain orally. So the
24 question is what additional purpose did you have in mind by
25 putting it in a letter? Which was addressed to Mr. McKinnon

1 with a cc to Mr. Nourain.

2 A Right. I'm going to have to speculate a little
3 bit here, but I think the intention was to make sure that
4 Mr. Nourain's superior, Mr. McKinnon, understood these rules
5 and that I was having some concern that there was some
6 confusion about the rules.

7 Q Now, following the conversations you had with
8 Mr. Nourain that precipitated this letter, did you ask him
9 to give you a list of activation dates of buildings so that
10 you could determine whether or not he had in fact mistakenly
11 turned on a building early?

12 A No, I never asked him to give me activation dates
13 of buildings to determine if he had turned something on
14 erroneously. He gave me activation dates so that we could
15 certify completion of construction of facilities that had
16 been authorized.

17 Q Well, now when he gave you those dates, did you
18 make any attempt to match the dates up with the date an
19 application had been granted by the Commission?

20 A It would have been specifically in response to an
21 application that had been granted. And the question was now
22 that it's granted, when did you construct it?

23 Q When did you construct it or when did you turn it
24 on?

25 A Oh, I'm sorry. When did you turn it on? Sorry.

1 Q So speaking hypothetically, let's say an
2 application was granted on April 1st. Are you saying your
3 practice would have been to have called Mr. Nourain and
4 said, sometime later and said, okay, Behrooz. This
5 particular path was, the application was granted on
6 April 1st. When did you turn it on so I can tell the FCC
7 that you turned it on? Is that the practice that you
8 followed?

9 A I wouldn't say that it was a practice that was
10 consistently followed. I know that there are entries in the
11 records that indicate that that happened on occasion. I
12 think I was mistaken that that needed to happen, that I
13 needed to notify the FCC that these things had been
14 constructed and turned on. And so later I don't think that
15 happened. But in the beginning when I thought it was
16 required, I was doing it.

17 Q Okay. And in particular you were doing this in
18 the period, the months of March and April of 1993, were you
19 not?

20 A If you'd like me to look back at the Time record,
21 I'm happy to do that. I think that it's there.

22 Q Go ahead.

23 A What tab was that again?

24 Q I think it's tab --

25 MR. SPITZER: Tab 9.

1 MR. BECKNER: Tab 9 and 10.

2 JUDGE SIPPEL: So, for the record, those are
3 Exhibits 60 and 61, correct?

4 MR. BECKNER: Yes, Your Honor.

5 JUDGE SIPPEL: Let's go off the record.

6 (Whereupon, a brief recess was taken.)

7 JUDGE SIPPEL: Go ahead.

8 THE WITNESS: I'm not seeing what I'm looking for
9 specifically. What I am seeing is that under Tab 10,
10 there's an entry on 4/20/93 that I drafted ten certificates
11 of construction. And the dates that I would have gotten for
12 when those facilities were constructed and I use that now
13 synonymously with begin operation would have come from
14 Behrooz.

15 BY MR. BECKNER:

16 Q I'd like you to take a look also at Tab 12 which
17 would be TW/CV Exhibit 63 marked only for identification.

18 (Document above referred to
19 was marked for identification
20 as TW/CV Exhibit 63.)

21 A Right.

22 Q Do you see the entry there on --

23 A The first entry?

24 Q The seventh, I assume it's May 7th. It talks
25 about revised, called Behrooz modifications, revised

1 certificates of construction?

2 A Yes.

3 Q And prepare and file ten certificates of
4 construction. Phone call Behrooz, service commencement
5 dates.

6 A Yes.

7 Q Okay. Now, so during this period of at least
8 April and May of 1993, you and Behrooz were talking about
9 dates that he had commenced operation of certain buildings
10 for which licenses had been received, correct?

11 A Correct.

12 Q Okay.

13 JUDGE SIPPEL: Why don't we move that in?

14 MR. BECKNER: I'm going to come back to it, Your
15 Honor.

16 JUDGE SIPPEL: Okay.

17 BY MR. BECKNER:

18 Q Well, let me just -- would you just turn again for
19 a moment to Tab 12, that's TW/CV 63, Ms. Richter. Does this
20 appear to you to be a copy of a Pepper & Corazzini bill of
21 the same type that we have previously identified and
22 discussed?

23 A It does.

24 Q Okay. And the Time entries here by the initials
25 JLR, do they appear to you to be copies of entries you made